



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 19 2014

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Rinaldo M. D'Argenio
Managing Partner
Rahway Arch Properties, LLC
One LeFante Way
Bayonne, New Jersey 07002

Re: Rahway Arch Property, Carteret, New Jersey
Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.

Dear Mr. D'Argenio:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA" or the "Superfund law"), 42 U.S.C. §§ 9601-9675. www.epa.gov/superfund/action/law/index.htm.

Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to materials generated, treated, stored, or disposed of at or transported to a facility, the nature and extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a facility and information relating to the ability of a person to perform a cleanup.

This letter seeks your cooperation in providing information and documents relating to the Rahway Arch Property located at 300 Salt Meadow Drive in Carteret, New Jersey (the "Site"). This request is based on the release and threatened release of hazardous substances, pollutants and/or contaminants from the Site. A complete and truthful response should be provided to the attached Request for Information **within 30 days** of your receipt of this letter.

While EPA seeks your Company's cooperation in this investigation, compliance with the Request for Information is required by law. When the Company has prepared its response to the Request for Information, please have the enclosed "Certification of Answers to Request for Information" signed and notarized and return that Certification to EPA with the response. Please note that false, fictitious, or fraudulent statements or representations may subject the Company to civil or criminal penalties under federal law. In addition, Section 104(e) authorizes EPA to pursue penalties for failure to comply with Requests for Information.

If you have information about other parties who may have information regarding the enclosed Request, that information should be submitted within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, it is necessary that you promptly notify EPA. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Some of the information EPA is requesting may be considered by the Company to be confidential. Please be aware that the Company may not withhold the information on that basis. If the Company wishes EPA to treat such information confidentially, it must advise EPA of that fact by following the procedures outlined in the enclosed instructions, including the requirement for supporting its claim for confidentiality.

See the enclosed Instructions for information on how to respond to the enclosed questions and/or information requests. Your response to this Request for Information should be mailed to:

Pat Evangelista
Office of Strategic Programs
Office of Regional Administrator
U.S. Environmental Protection Agency - Region II
290 Broadway, 19th Floor
New York, NY 10007-1866

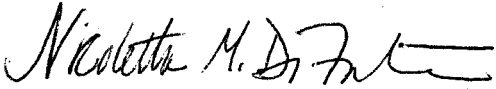
with a copy to:

Amy Chester
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency - Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

If you have any questions regarding this Request for Information, please contact Pat Evangelista of EPA at (212) 637-4447. Inquiries from attorneys should be addressed to Amy Chester at (212) 637-3213 or, during the week of January 5-9, 2015, to Paul Simon at (212) 637-3152.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Nicoletta M. DiForte". The signature is fluid and cursive, with a horizontal line extending from the end.

Nicoletta M. DiForte
Deputy Director for Enforcement and Homeland Security
Emergency and Remedial Response Division

Enclosure

cc: Mark Pedersen, NJDEP

Instructions for Responding to Request for Information

A. Directions

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your company's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
5. If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that your company supplement its response to EPA within 30 days from the date such information or documents became available to it.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the documents with their addresses.
8. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.
9. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be specific.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

11. Provide documents that support or help explain each of your answers to the Request for Information and indicate, in your answers, precisely which part of which document is pertinent to your answer
12. Confidential Information: The information requested herein must be provided even though your company may contend that it includes confidential information or trade secrets. Your company may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information your company submits to EPA, your company must prove that claim. For each document or response your company claims is confidential, your company must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by your company to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether your company asserts that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that your company satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that it is not

and has not been obtainable by legitimate means without your company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to your company.

B. Definitions

1. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
2. The term "Site" shall mean the Rahway Arch Property located at 300 Salt Meadow Drive in Carteret, New Jersey.
3. The term "the Company" or "Rahway Arch Properties, LLC" shall mean Rahway Arch Properties, LLC and its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns, or agents.
4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances including, pollutants, or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
5. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances, products or other nonhazardous substances.
6. The term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
9. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom this request is addressed.
10. The term "document" and "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
11. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
12. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
13. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.
14. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, and other closed receptacles containing any hazardous substance or, pollutant, or contaminant.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or Resource Conservation and Recovery Act, as amended ("RCRA") 42 U.S.C. § 6901 et. seq. in which case the statutory definitions shall apply.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of

County of

I certify under penalty of law that I have personally examined and am familiar with the document submitted in response to EPA's Request for Information, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted document is complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the Company response thereto should become known or available to the Company.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this day
of _____, 2015

Notary Public

Request for Information

With respect to the construction project for the Site, please provide the following information:

1. How will the cap construction activities be performed and monitored to avoid berm failure and releases to areas outside such berms including to the Rahway River?
2. How will the volume of contaminated water and other materials expected to be displaced from the impoundments during cap construction be managed to ensure that the following issues are addressed? New compressive and vertical load forces will increase downward pressure on the mounded groundwater and contribute towards changing the hydrostatic conditions and thereby potentially resulting in changes to contaminated groundwater migration, direction and flow; and the new cap will introduce lateral forces on the existing berms, whose structural integrity has not been determined. Please provide any analyses, data and documentation to support such management techniques.
3. Please explain why engineering controls (such as groundwater collection/extraction/treatment and site containment *i.e.*, slurry walls, sheet piling and/or reactive walls/cap in the area of discharge) are not needed to protect human health and the environment from current and future releases from the Site.
4. The Site documents indicate that contaminated sludge has gone beyond the berm perimeter and that certain areas of the berm have been compromised. How will compromised berm areas be repaired and contaminated sludge release and migration be addressed?
5. Is there financial assurance for the construction, long term monitoring and maintenance of the cap? If so, please provide any and all documentation relating to such assurances and include cost estimates supporting such assurances. If no long term financial assurances mechanisms are in place, please describe what finances (including the specific amount of funding) or plans are in place to ensure the long term monitoring and maintenance of the Site. Please indicate how these assurances/finances will be reviewed and replenished if necessary during the life of the capping remedy.
6. Please submit a copy of all correspondence (or in the absence of such correspondence, describe all communications) with the National Marine Fisheries Service and the Fish and Wildlife Service concerning impacts from Site contaminants or the cap construction.
7. Please provide a complete list of all expected chemical constituents and their corresponding maximum concentrations in the imported fill.
8. Please provide a complete list of all chemical constituents found at the Site and their corresponding maximum concentrations.
9. Please provide all data related to the wetlands identified in the November 15, 2012 Remedial Investigation Report as "exceptional resource wetlands" on the Site that serve

as habitat for colonial water birds. Please provide any sampling results related to documented reports of sludge overtopping berms and berm failure events. Please provide maps that document the exceptional resource wetlands as well as areas of documented berm failures and sludge overtopping berms? Please provide any reports of nearby fish kills or bird/animal mortalities. Please provide all analyses of the impact of the construction project on such wetlands. What baseline data will be collected to establish current conditions? Describe any long- term monitoring that will be performed to determine any impacts from the construction project to the wetlands.

10. Please provide all analyses of the impact of the construction project on the Site hydrology (surface and groundwater). The November 15, 2012 Remedial Investigation Report indicates groundwater beneath the impoundments flows radially outward, ultimately discharging to the adjacent surface waters of the Rahway River, Deep Creek, Cross Creek, and the Arthur Kill. What monitoring will be conducted to establish a baseline for current conditions? Describe any long- term monitoring that will be performed to determine any impacts from the construction project to the Site hydrology.
11. Please provide all analyses of the impact of the construction project on the Site's ecological receptors. What monitoring will be conducted to establish a baseline for current conditions? Describe any long- term monitoring that will be performed to determine any impacts from the construction project on ecological receptors.
12. How does the cap to be constructed specifically take into account the potential effects of increased sea level rise and an increase in the number and severity of storm events to ensure that the bermed impoundments do not erode, wash away, or fail? How will the berms be reinforced? How will the cap extending above the berm elevation be protected from sea level rise and flooding?
13. Currently the Rahway River routinely flows in and out of at least one of the impoundment areas. How will the cap be protected from flooding? Although the cap construction is proposed to significantly reduce the amount of water infiltrating the Site, the impoundments will still be under the tidal influence of the Rahway River surface water infiltrating the groundwater beneath the impoundments. Has this communication between the Rahway River and the impoundments been evaluated in the context of protecting human health and the environment? Please explain.
14. When will the on-Site sludge be tested and characterized to determine if it is a RCRA characteristic hazardous waste and to comprehensively identify the form(s) of cyanide and other contaminants that are present in it?

